

REMEDICATION AND REDEVELOPMENT (RR) NEWS FROM WISCONSIN DNR

NATURAL ATTENUATION AND VOLUNTARY PARTY LIABILITY SITES

The RR program has been asked whether participants in the "Voluntary Party Liability Exemption" (VPLE) program (s. 292.15, Wis. Stats.) can receive a certificate of completion, with limited liability, before groundwater contamination reaches enforcement standards. Some property owners seeking the liability exemption would like to close their sites under the natural attenuation provisions in NR 726.05 that allow closure after attenuation has been demonstrated, but before standards are met. DNR does not believe it has the statutory authority to issue certificates of completion before groundwater enforcement standards are met. In addition, the statute does not address how the state would finance the cleanup if the remedy fails. However, DNR will seek a statutory change covering issuance of certificates at natural attenuation sites if that change includes a financial assurance mechanism. The financial assurance would fund additional remediation as sites with failed natural attenuation remedies. The RR program is exploring options for providing financial assurance at VPLE sites where a certificate of completion has been requested for a natural attenuation remedy.

1999 BEAP SITES SELECTED

Six Wisconsin communities have received Brownfields Environmental Assessment Program (BEAP) awards for 1999. The program provides cost-free DNR assessments of brownfields nominated by local governments. The local governments participating in the 1999 BEAP program include:

- Sheboygan County: R-Way Furniture Property, 740 South Commerce Street, Sheboygan;
- City of Milwaukee: Beer Line "B" Properties, located on N. Commerce, E. Pleasant and E. Vine Streets;
- City of Berlin: Lake States Footwear Property, 242 South Wisconsin Street;
- Lincoln County: Tomahawk Tissue Landfill, Town of Bradley;
- Village of Weston: Modern Sewer Property, 6006 Von Kanel Street; and
- Village of Hartland: Hartland Depot & Hartland Chemical Properties, Pawling Avenue

The DNR solicits BEAP applications in the fall of each year and has assessed close to 40 properties since 1996. Those properties represent over 350 acres of tax delinquent or underused properties, totaling \$3 million in uncollected property taxes. Nine BEAP sites have also received state brownfields grants totaling \$2.9 million, with creation of 560 new manufacturing and retail jobs.

COM 46 SCHEDULED FOR NATURAL RESOURCES BOARD

The Natural Resources Board will consider adoption of the second version of COM 46 as an emergency rule during its February 23 meeting in Madison. COM 46 is "Petroleum Environmental Cleanup Fund Interagency Responsibilities". The language in the rule is the same as the emergency rule being adopted by the Department of Commerce. COM 46 would require the two agencies to work together on remedial bids; methods to determine expanding plumes; a risk assessment protocol; accounting for errors in measurement, repeatability of results and statistical significance; an electronic tracking system for remediation targets; and a reconciled list of sites in remediation. COM 46 would also set the following criteria for closure of petroleum

contamination sites:

- When contamination is below the enforcement standard (ES) on site and below the ES off site, with no environmental factors, the site will be closed without requiring or reimbursing for additional remedial actions, except normal post closure costs.
- When contaminants are above the ES on site but below the ES off site in developable groundwater, and less than 300 times the ES in non-developable groundwater, with no environmental factors or required source control, the responsible party will be offered closure with a groundwater use restriction or a groundwater information system (GIS) registration. PECFA will not cover additional costs other than normal post closure costs.

The rule will be posted on the RR web site if adopted by the Board.

NEW STAFF CONTACTS LIST

The RR program has created a new subject contacts list for central office staff:

<http://www.dnr.state.wi.us/org/aw/rr/technical/lists/RRContacts.pdf>

The list is intended to connect callers to staff who can best answer general questions about specific topics, e.g. natural attenuation, assurance letters, etc. All site specific questions should be directed to the appropriate regional staff according to the "county contacts" list on the web site. (Some county contacts are being updated.)

NOTIFICATION TO TREAT OR DISPOSE OF PETROLEUM CONTAMINATED SOIL & WATER FORM

Form 4500-168 is to be submitted to regional Air Management staff 10 days before the commencement of a remedial action. The current form is dated February 1998, and can be found with other forms on the Technical Assistance page of our web site.

<http://www.dnr.state.wi.us/org/aw/rr/technical/index.htm>

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